

EXHIBIT 1

To

Plaintiffs' Aug. 20, 2007 Motion

the task of ascertaining and applying Austrian law will be unusually difficult.¹⁰¹ To the extent that this Court is willing to apply even the most complicated or convoluted principles of foreign law, it is of some concern that plaintiffs *implicitly* are urging this Court to “simply ignore what is transpiring in Austria . . .”¹⁰² As the Supreme Court has instructed, the avoidance of such “unnecessary problems in conflict of laws” supports forum non conveniens dismissal.¹⁰³

Plaintiffs make the outlandish statement that because the “Kaprun Criminal Process” is over “there is no longer any public or private interest in Austria for the claims to be adjudicated there.”¹⁰⁴ Such sweeping conclusions cannot rescue these foreign plaintiffs from the obvious: their U.S. cases have “dragged on for years, without resolution of the threshold jurisdictional issues, let alone development [or complete discovery] of the merits” of their claims, due to the inconvenience of litigating them in this forum – an inconvenience that is “out of all proportion” to plaintiffs’ purported convenience.¹⁰⁵

¹⁰¹ See *id.* (citing Kodek 2007 Decl. § 4).

¹⁰² *Id.*

¹⁰³ *Piper Aircraft*, 454 U.S. at 241 n.6 (citation omitted).

¹⁰⁴ Pl. Mem. at 4.

¹⁰⁵ *Sinochem*, 127 S. Ct. at 1190.